

REMARKS

The specification has been amended to comply with Rule 77 and page 6 to correct a typographical error.

In the Office Action, the Examiner rejected claims 39, 43, and 45-47 under 35 U.S.C. § 102(e) for being anticipated by U.S. Patent No. 6,133,387 to Xu et al. (hereafter Xu '387). Claims 39-42 and 45-47 were also rejected under 35 U.S.C. § 102(e) for being anticipated by U.S. Patent No. 6,239,237 to Xu et al. (hereafter Xu '237). In addition, claims 40-42, 44, and 48 were rejected under 35 U.S.C. § 103(a) for being obvious over Xu '387.

However, the Examiner also indicated that claims 49, 50, and 51 would be allowable if rewritten in independent form. Claims 39, 40, and 41 have been amended to include the subject matter of claim 49, and claim 49 has been cancelled. Accordingly, it is believed claims 39, 40, and 41 and claims 42-48, 50, and 51 dependent therefrom should be in condition for allowance.

Claims 39, 40, and 41 have also been rewritten as new claims 52, 53, and 54 to include the subject matter of claim 51. New claims 55-63 correspond to claims 42-50, but dependent on claims 52, 53, and 54. Accordingly, it is believed claims 52, 53, and 54 and claims 55-63 dependent therefrom should also be in condition for allowance.

Claims 39, 40, and 41 have also been rewritten as new claims 64, 65, and 66 in which Z is limited to $-\text{CH}_2-$. Support for this can be found on page 3, line 28. New claims 67-74 correspond to claims 42 and 45-51, respectively, but dependent on claims 64, 65, and 66.

In Xu '387, the bridging group between the two phosphinimine groups is a pyridyl group. In Xu '237, when Y and Z are phosphorus, the bridging group contains W, which

can be a sulfur atom, an oxygen atom, or a phosphorus. For example, a thiophene group. There is no disclosure in either reference of the bridging group between the two phosphinimine groups being a methyl group or any other alkylene group.

Accordingly, it is believed claims new 64, 65, and 66 cannot be considered anticipated by Xu '387 or Xu '237 or obvious over Xu '387. Claims 64, 65, and 66, as well as claims 67-74 dependent therefrom, should therefore also be allowable.

Finally, withdrawn claims 34-38 have been cancelled and rewritten as new claims 75-79, respectively, dependent from claims 39, 40, 41, 52, 53, 54, 64, 65, or 66. These claims have been retained, because as noted in the Amendment filed March 25, 2003, it is believed that if the polymerization catalyst claims are allowable, these claims can be rejoined with catalyst claims in accordance with the practice of M.P.E.P. § 821.04. Since these process claims depend from the catalyst claims, they include all the limitations of the catalyst claims and therefore should be able to be rejoined with them under the provisions of this section of the M.P.E.P.

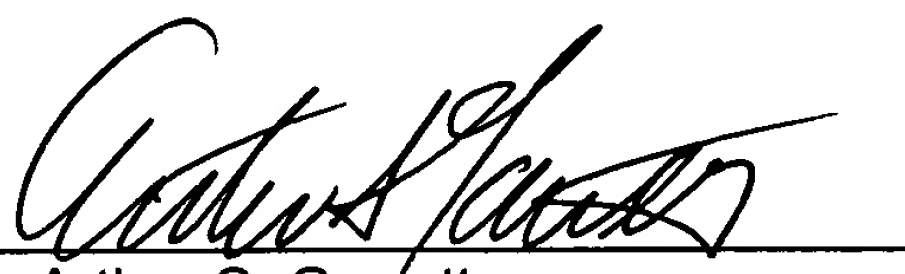
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 2, 2003

By: 
Arthur S. Garrett
Reg. No. 20,338

625338_1.DOC